

PART 957—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO DEBARMENT FROM CONTRACTING

Sec.

- 957.1 Authority for rules.
- 957.2 Scope of rules.
- 957.3 Definitions.
- 957.4 Authority of the Hearing Officer.
- 957.5 Case initiation.
- 957.6 Filing documents for the record.
- 957.7 Failure to appear at the hearing.
- 957.8 Hearings.
- 957.9 Appearances.
- 957.10 Conduct of the hearing.
- 957.11 Witness fees.
- 957.12 Transcript.
- 957.13 Proposed findings of fact.
- 957.14 Findings of fact.
- 957.15 Computation of time.
- 957.16 Official record.
- 957.17 Public information.
- 957.18 Ex parte communications.

AUTHORITY: 39 U.S.C. 204, 401.

SOURCE: 80 FR 55767, Sept. 17, 2015, unless otherwise noted.

§ 957.1 Authority for rules.

The rules in this part are issued by the Judicial Officer of the Postal Service pursuant to authority delegated by the Postmaster General (39 U.S.C. 204, 401).

§ 957.2 Scope of rules.

The rules in this part apply to proceedings initiated pursuant to paragraphs (g)(2) or (h)(2) of § 601.113 of this subchapter.

§ 957.3 Definitions.

(a) *Vice President* means the Vice President, Supply Management, or the Vice President's representative for the purpose of carrying out the provisions of § 601.113 of this subchapter.

(b) *General Counsel* includes the Postal Service's General Counsel and any designated representative within the Office of the General Counsel.

(c) *Judicial Officer* includes the Postal Service's Judicial Officer, Associate Judicial Officer, and Acting Judicial Officer.

(d) *Debarment* has the meaning given by paragraph (b)(2) of § 601.113 of this subchapter.

(e) *Respondent* means any individual, firm or other entity which has been served a written notice of proposed de-

barment pursuant to § 601.113(h), or which previously has been debarred, as provided in § 601.113(g)(2) of this subchapter.

(f) *Hearing Officer* means the judge assigned to the case by the Judicial Officer. The Hearing Officer may be the Judicial Officer, Associate Judicial Officer, Administrative Law Judge or an Administrative Judge who is a member of the Postal Service Board of Contract Appeals.

(g) *Recorder* means the Recorder of the Judicial Officer Department of the United States Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201-3078. The Recorder's telephone number is (703) 812-1900, fax number is (703) 812-1901, and the Judicial Officer's Web site is <http://www.about.usps.com/who-we-are/judicial/welcome.htm>.

§ 957.4 Authority of the Hearing Officer.

The Hearing Officer's authority includes, but is not limited to, the following:

(a) Ruling on all motions or requests by the parties.

(b) Issuing notices, orders, or memoranda to the parties concerning the hearing proceedings.

(c) Conducting conferences with the parties. The Hearing Officer will prepare a Memorandum of Conference, which will be transmitted to both parties and which serves as the official record of that conference.

(d) Determining whether an oral hearing will be conducted, and setting the place, date, and time for such a hearing.

(e) Administering oaths or affirmations to witnesses.

(f) Conducting the proceedings and the hearing in a manner to maintain discipline and decorum while ensuring that relevant, reliable and probative evidence is elicited, but irrelevant, immaterial or repetitious evidence is excluded. The Hearing Officer in his or her discretion may examine witnesses to ensure that a satisfactory record is developed.

(g) Establishing the record. The weight to be attached to evidence will rest within the discretion of the Hearing Officer. Except as the Hearing Officer may otherwise order, no proof shall